IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.297/2006.

National Insurance Co. Ltd.
Diamond Chambers. 2nd Floor,
18th June Road, Panaji-Goa. ..... Appellant.

Versus

1. Shri Ramkrishna Gawde,
Son of lateGanesh Gawde,
aged 47years, married,
Residing at H.No.27, Dhatwada
Pissurlem, Sattari-Goa.

2. Shri. Shrinivas L. Mannawaddar,
S/o. Laximan Mannawaddar,
R/o. H. No.9, Ramnagar, Dharwad
Road, Joida Taluka, Uttar Kanara, ... Respondents.
and Presently residing at C/o Anil
Photo Studio, Agarwada, Calangute
Bardez- Goa. (Deleted)

3. Shri. Gajanan Shankar Kerkar,
R/o. H. No.1280, Umtawado,
Calangute, Bardez- Goa.

Mr. E.A. fonso, Advocate for the appellant.
Mr. J. P. Mulgaonkar, Advocate for the respondents No. 1.

Coram :- **R. S. MOHITE, J.**

Date : - 12th October, 2007.

ORAL JUDGMENT :

Heard both sides. The Advocate for the appellant states that he does not want to press any other point except the question of quantum of compensation awarded to the original respondents. On behalf of respondent, it is stated that the respondent may not press its

claim in respect of sum of Rs. 75,000/- awarded towards pain and suffering and would be satisfied if amount of Rs.20,000/- is accorded on this count. It is stated on behalf of Advocate for the appellant that if amount of compensation payable is thus reduced to Rs.5 Lacs, then Insurance company is agreeable to pay Rs. 5 Lacs which amount is also deposited in this Court. In the circumstances, the appeal is partly allowed. The appellant and respondent No.3 are held jointly and severally liable to pay compensation in the sum of Rs. 5 lacs to the respondent No.1, which shall carry interest @ Rs.9 % p.a. from the date of the application till payment. The amount if any awarded in favour of respondent No.1 U/s.140 of M.V. Act, shall be adjusted against final compensation. Admittedly, as the amount of 5 Lacs has already been deposited in this Court, the Registrar will disburse the amount with accruing interest in favour of respondent No.1. There will be no order as to costs. Appeal stands disposed off.

R. S. MOHITE, J.

SMA